

Golden



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

Matter of: B & S Transport, Inc.

File: B-240906.2; B-240909.2

Date: September 14, 1990

Ronnie Harris for the protester.  
Michael R. Golden, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

### DIGEST

Request for reconsideration is denied where protest issue found untimely in previous decision does not present significant issue.

### DECISION

B & S Transport, Inc. requests reconsideration of our decision B & S Transport, Inc., B-240906; B-240909, Aug. 24, 1990, 90-2 CPD ¶ \_\_\_\_\_. In that decision, we dismissed BFS' protests of the Department of the Army's refusal to apply an evaluation preference for small disadvantaged bidders (SDB) under invitation for bids (IFB) Nos. DAAE07-90-B-S177 and DAAE07-90-B-S185. We specifically dismissed as untimely B&S' contention that the solicitations should have contained an SDB preference clause because the absence of the clause should have been apparent to all bidders prior to bid opening and thus should have been protested before bid opening. 4 C.F.R. § 21.2(a)(1) (1990).

B & S now contends that the untimely issue of the agency's negligent failure to include a preference provision in the solicitation should be considered under the significant issue exception to our timeliness requirements provided by 4 C.F.R. § 21.2(b).

The significant issue exception to our timeliness rules is strictly construed and sparingly used to prevent the timeliness rules from becoming meaningless. We will invoke it where the protest raises an issue of first impression that would be of widespread interest to the procurement community or where the matter has not been considered on the merits in prior decisions. Microeconomic Applications, Inc.--Recon., B-229749.3, Apr. 26, 1988, 88-1 CPD ¶ 404. Here, this matter generally has been addressed in previous

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cases, see, for example, Basic Supply Co., Inc., B-239267, June 1, 1990, 90-1 CPD ¶ 522, and is not of widespread interest.

We deny the request for reconsideration.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the printed name and title.

Ronald Berger  
Associate General Counsel